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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

J.H., A Minor, by and through his Natural
Parent and Guardian ad litem, Andrea
Esquivel,

Plaintiff

v.

Patrick Siroky, et al.,

Defendants

Case No. 2:18-cv-02151-JAD-GWF

**Order Adopting Report and
Recommendation and Granting Petition
for Compromise of Minor's Claim**

[ECF Nos. 31, 36]

Plaintiff petitions for an order approving the compromise of minor J.H.'s claim in this case.¹ After a hearing, Magistrate Judge Foley found that the proposed compromise is reasonable and appears to be in the best interest of the minor plaintiff.² He recommends that I grant the petition and order Andrea Esquivel to provide an annual report detailing the activities in the blocked trust account into which the settlement funds will be deposited. The deadline for objections to that recommendation was May 22, 2019, and no party has filed an objection to it or moved to extend the deadline to do so. "[N]o review is required of a magistrate judge's report and recommendation unless objections are filed."³

Good cause appearing, IT IS THEREFORE ORDERED that the magistrate judge's report and recommendation [ECF No. 36] is **ADOPTED** in full;

¹ ECF No. 31.

² ECF No. 36 at 4.

³ *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

1 IT IS FURTHER ORDERED that the Petition for Compromise of Minor's Claim [ECF
2 No. 31] is GRANTED;

3 IT IS FURTHER ORDERED that:

- 4 • The medical bill for HMS Nevada Recovery in the amount of \$1,628.08 be paid
5 out of the settlement;
- 6 • The \$65,000.00 settlement is subject to attorney fees and costs in the amount of
7 \$30,502.25 which may be paid from the settlement proceeds;
- 8 • The remainder of the settlement in the sum of \$32,869.67 be paid to Plaintiff
9 Andrea Esquivel for the establishment of a blocked trust account at Wells Fargo
10 Bank, a federally insured financial institution in the State of Nevada, located at
11 4075 S. Fort Apache Rd., Las Vegas, Nevada 89147. Plaintiff or a representative
12 of the Glen Lerner Injury Attorneys is hereby granted authorization to establish
13 the blocked account for the benefit of minor J.H. and must do so on or before
14 July 23, 2019;
- 15 • The funds deposited in the blocked trust account must not be liquidated or
16 diminished before June 9, 2029, upon the minor reaching the age of 18 years,
17 with Court approval, with a final accounting of the funds and upon showing that
18 the withdrawal is in the best interest of the minor child; and
- 19 • Plaintiff must file an annual report detailing the activities of the blocked trust
20 account during the previous 12 months in accordance with NRS 41.200(5).

21 IT IS FURTHER ORDERED that **a status check is scheduled for 1:30 p.m. on**
22 **Thursday, July 25, 2019**, to show that the blocked account has been established in compliance
23 with this order. In lieu of this status check, plaintiff may file a Notice of Compliance and Motion

1 to Vacate Hearing, attaching proof of compliance, no later than close of business on Tuesday,
2 July 23, 2019.

3 Dated: May 23, 2019

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5 U.S. District Judge Jennifer A. Dorsey
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